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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/666,090	09/19/2003	Robert C. Lam	02074/02091	8977	
	7590 09/25/200 FFER, SCHAUB & PC	EXAMINER			
P.O. BOX 916			CHOI, PETER Y		
TOLEDO, OH 43697-0916			ART UNIT	PAPER NUMBER	
		1771			
			MAIL DATE	DELIVERY MODE	
			09/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/666,090	LAM ET AL.		
Examiner	Art Unit		
Peter Y. Choi	1771		

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 17 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1.		Peter Y. Choi	1771	
 1. □ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandooment of the application, applicant must timely file one or the following replication; application, application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 4.1.31. The reply must be filed within one of the following time periods: a) □ The period for reply expires 2 months from the mailing date of the final rejection. b) □ The period for reply expires 3. months from the mailing date of the final rejection. b) □ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TV MONTHS OF THE FIRST REPLY WAS F	The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
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to perent, however, will the statutory period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, inclined in convent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION See MPEP 706 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fet was been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fet under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) set forth in (b) above, if checked. Any reply recovered by the Office later than three months after the mailing date of the final rejection, even if timely filter may require a set of the final rejection of the properties of the final rejection, even if timely filter may reply reply the properties of the shortened statutory period for reply originally set in the final office action; or (2) set forth in 37 DFP A1.37(a) and the final rejection of the shortened and the state of filting the Notice of Appeal and for CFR 41.37(a)), or any extension thereof (37 CFR 41.37 must be filed within two months of the date of filling a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are act deeme	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affida eal (with appeal fee) in compliance	vit, or other evidence, v with 37 CFR 41.31; o	which places the r (3) a Request
NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e) entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date	a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(feetensions of time may be obtained under 37 CFR 1.136(a). The date of the seen filed is the date for purposes of determining the period of extended 37 CFR 1.17(a) is calculated from: (1) the expiration date of the seet forth in (b) above, if checked. Any reply received by the Office later	dvisory Action, or (2) the date set fortifater than SIX MONTHS from the mailifulby. ONLY CHECK BOX (b) WHEN The f). In which the petition under 37 CFR 1, ension and the corresponding amoun hortened statutory period for reply orithan three months after the mailing date.	ng date of the final rejection IE FIRST REPLY WAS FI 136(a) and the appropriate t of the fee. The appropriginally set in the final Office	on. LED WITHIN TWO te extension fee the extension fee the extension fee the extension; or (2) as
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				: Unit 1771

Application No.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that the specification is enabling for the geometrically symmetrically shaped friction modifying particles. Examiner respectfully disagrees. The specification and figures do not teach suitable geometrically symmetrically shaped friction modifying particles nor enable one of ordinary skill in the art as to how to make the claimed friction modifying particles. Applicants argue that the Lam reference does not disclose the claim limitations, specifically the percentage limitations. Examiner respectfully disagrees. Lam teaches a secondary layer comprising about 20% to about 35% by weight of symmetrically shaped silica particles, and about 65% to about 80%, by weight, carbon particles, based on the total weight of the friction modifying particles (see entire document including paragraphs 0001, 0024, 0025, 0059, 0060, claims 1-3). Applicants unsupported arguments are not a substitute for objective evidence. It should be noted that the IDS of August 15, 2007 is not considered as it does not meet the minimum formal requirements of MPEP and 37 CFR 1.97.